

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SCANNED

KENNETH A. SANDERS
Plaintiff,

v.,

BILL WHITESELL, et al.
Defendants.

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No. 3 09 0536
(No. 3:08-mc-0194)
JUDGE HAYNES

ORDER

Plaintiff, proceeding *pro se*, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. On September 16, 2008, he filed an application to proceed *in forma pauperis* (Docket Entry No. 5). By an order (Docket Entry No. 11) entered September 18, 2008, Plaintiff's application was denied.

The Plaintiff has not yet paid the fee required to file his Petition for Writ of Mandamus (Docket Entry No. 1). Accordingly, the Clerk is directed to file the Petition. The Plaintiff is herewith **ASSESSED** the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the Plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the Plaintiff's inmate trust account; or

(b) twenty percent (20%) of the average monthly balance in the Plaintiff's inmate trust account for the prior six (6) months.


Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby **DISMISSED** for want of prosecution. The Clerk is directed to send a copy of this order to the Sheriff of Rutherford County to insure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the final judgment in this case

It is so **ORDERED**.

ENTERED this the 9th day of June, 2009.


WILLIAM J. HAYNES, JR.
United States District Judge